

**Notice of Allowability**

Application No.

10/605,847

Examiner

Thomas E. Lazo

Applicant(s)

HEWITT ET AL.

Art Unit

3745

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 30 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/30/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 12/9/03
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Abstract.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leo H. McCormick Jr. (25,897) on 12/9/04.

The application has been amended as follows:

#### **IN THE CLAIMS:**

In claim 1, line 26, "located" has been changed to --locate--.

In claim 7, line 6, --said-- has been inserted before "first".

The above changes to the claims have been made to correct grammatical errors.

#### **IN THE SPECIFICATION:**

In paragraph [0004], line 31, "located" has been changed to --location--.

In paragraph [0012], line 3, --of-- has been inserted after "constructed".

In paragraph [0014], line 3, "extending" has been changed to --extends--.

In paragraph [0014], line 10, "a" has been deleted.

In paragraph [0014], line 11, --the-- has been inserted before "rear".

In paragraph [0014], line 12, "surface 37, the hub 36" has been changed to --surface 37 of the hub 36,--.

In paragraph [0016], line 7, "receiving" has been changed to --receives--.

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In paragraph [0018], line 7, "106" has been changed to --104--.

The abstract has been replaced by the attached abstract.

The above changes to the specification have been made to correct grammatical errors and drawing reference number errors and to provide an abstract less than 150 words in length.

### **REASONS FOR ALLOWANCE**

The instant invention is deemed to be directed to an unobvious improvement over the invention patented in U. S. Patent No. 5,941,610 to Hayashi et al. The improvement comprises a tandem brake booster with a partition member being characterized by a disc with a cylindrical body extending from a ledge formed on a peripheral surface of the disc and a flange located on the cylindrical body between the ledge and an end face of the cylindrical body, for the purposes of preventing floating movement of the partition member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **PRIOR ART**

The patent to Hayashi et al. is cited for the showing of a tandem brake booster similar to applicant's but lacking a flange located on the cylindrical body of the partition member between the ledge and an end face of the cylindrical body.

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Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of three patents.

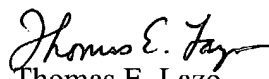
Miwa (5,664,479), Newhouse (4,881,451), and Kytta (3,603,208) are cited to show tandem brake boosters.

***Contact Information***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

  
Thomas E. Lazo  
Primary Examiner  
Art Unit 3745

TEL  
December 9, 2004